

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION FOR A CRIMINAL COMPLAINT**

I, Mariano Garay-Ortiz, being first duly sworn, do here by depose and state that:

INTRODUCTION AND AGENT BACKGROUND

1. I am a United States Customs and Border Protection Enforcement Officer with the Department of Homeland Security, assigned to investigate Immigration Law violations and Criminal Laws of the United States at the Luis Muñoz Marín International Airport, Carolina, Puerto Rico.

2. I make this affidavit based on my own personal knowledge and on oral and written reports by other federal, state, and/or local law enforcement agents and officers that investigated this matter. This affidavit does not contain all the information derived from this investigation only that which is sufficient to demonstrate probable cause to believe that a crime has been committed.

3. This affidavit is submitted in support of a criminal complaint charging Miguel Enrique SOLANO-PAYANO ("SOLANO-PAYANO") with: (1) Re-entry after deportation as an Aggravated Felon in violation of 8 U.S.C. § 1326(a) & (b)(2).

PROBABLE CAUSE

4. On or about March 10, 2025, at the Pan American Dock West in San Juan, Puerto Rico, an alien by the name of Miguel Enrique SOLANO-PAYANO, a citizen of the Dominican Republic, was found attempting to board the Ferry M/V Kydon, bound to the city of Santo Domingo, Dominican Republic.

5. During the inspection conducted by the U.S. Customs and Border Protection Officers, the alien claimed to be Miguel Enrique SOLANO-PAYANO by presenting a Dominican Republic passport #PR0611455 as proof of identity.

6. Since the alien did not present a valid document to be legal in the United States; the inspection was referred for a closer examination.

7. During this process SOLANO-PAYANO fingerprints were submitted to the FBI for examination and comparison, this examination disclosed a match to FBI record #XXXXXX. FBI record revealed the following criminal and immigration histories:

- a) On 08/05/2014 arraignment for Abuse Prevention Act - Docket #1418CR004483A – Convicted 1-year Split Sentence, 9 months Committed at the Lawrence District Court, MA.
- b) On 08/05/2014 arraignment for Assault and Battery - Docket #1418CR4445B – Convicted 1-year Split Sentence, 9 months Committed at the Lawrence District Court, MA.
- c) On 08/05/2014 arraignment for Abuse Prevention Act - Docket #1418CR004445A – Convicted 1-year Split Sentence, 9 months Committed at the Lawrence District Court, MA.
- d) On 08/06/2014 arraignment for Possession of Child Pornography, in violation of Massachusetts General Laws, Chapter 272 § 29C - Docket #1418CR004537A – Convicted 2-year Split Sentence, 9 months Committed at the Lawrence District Court, MA. This offense of conviction is an aggravated felony.
- e) On 10/29/2014 arraignment for Abuse Prevention Act - Docket #1418CR005802A – Convicted 1-year Split Sentence, 9 months Committed at the Lawrence District Court, MA.
- f) On 11/07/2014 arraignment for Abuse Prevention Act - Docket #1418CR006067A – Convicted 1-year Split Sentence, 9 months Committed at the Lawrence District Court, MA.
- g) On 01/22/2015 arraignment for Threatening - Docket #1518CR000297B – Convicted 1-year Split Sentence, 9 months Committed at the Lawrence District Court, MA.
- h) On 01/22/2015 arraignment for Abuse Prevention Act - Docket #1518CR000297A – Convicted 1-year Split Sentence, 9 months Committed at the Lawrence District Court, MA.
- i) On 03/09/2015 arraignment for Abuse Prevention Act - Docket #1518CR000397B – Convicted 1-year Split Sentence, 9 months Committed at the Lawrence District Court, MA.
- j) On 03/09/2015 arraignment for Intimidation - Docket #1518CR000397A – Convicted 1-year Split Sentence, 9 months Committed at the Lawrence District Court, MA.

- k) On 11/13/2015 arraignment for Abuse Prevention Act - Docket #1518CR005497A – Convicted 1-year Split Sentence, 9 months Committed at the Lawrence District Court, MA.
- l) On 08/24/2017 arraignment for False Statement on Application - Docket #1601CR005866A – Convicted 6 months Committed at the Boston District Court, MA.
- m) On 08/24/2017 arraignment for Forgery - Docket #1601CR005866B – Convicted 6 months Committed at the Boston District Court, MA.
- n) On April 13, 2015, a Notice to Appear (NTA) was issued against SOLANO-PAYANO, thus placing him in removal proceedings.
- o) On June 6, 2018, Mr. SOLANO-PAYANO was Ordered Removed by the Immigration Judge.
- p) On July 17, 2018, the subject was physically removed from the United States to the Dominican Republic.

8. SOLANO-PAYANO was read his *Miranda* rights, and he waived his rights and agreed to be interviewed. During his immigration interview, SOLANO-PAYANO stated that his true and correct name is Miguel Enrique SOLANO-PAYANO, and that he is a national and citizen of the Dominican Republic.

9. As part of his removal procedure SOLANO-PAYANO was advised that after his deportation / removal from the United States, he was required to obtain permission from the Attorney General or his successor under the Department of Homeland Security prior to his re-embarkation at a place outside the United States or his application for admission.

10. I conducted records checks which reveal that no application to request permission on form I-212 had been filed on behalf of “Miguel Enrique SOLANO-PAYANO” at the Office of Citizenship and Immigration Services.

11. SOLANO-PAYANO is a citizen and national of the Dominican Republic and is an alien with no authorization or legal status to be present in the United States.

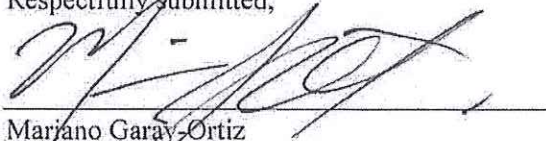
12. Further, SOLANO-PAYANO was deported from the United States and prohibited from re-entering the United States without obtaining consent from the Attorney

General or his successor under the Department of Homeland Security prior to his re-embarkation at a place outside the United States or his application for admission.

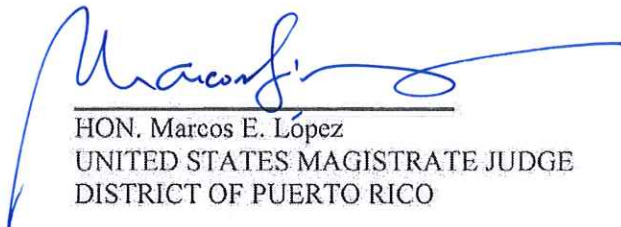
CONCLUSION

13. Based upon my training, experience, and my participation in this investigation, I believe that probable cause exists that Miguel Enrique SOLANO-PAYANO attempted to enter the United States in violation of 8 U.S.C. § 1326 (a) & (b)(2).

Respectfully submitted,


Mariano Garay-Ortiz
Enforcement Officer
Homeland Security Investigations

Sworn in accordance with the requirement of Fed. R. Crim. P. 4.1, by telephone at 1:51 PM on this 12th day of March 2025, in San Juan, Puerto Rico.


HON. Marcos E. López
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF PUERTO RICO